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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,505	06/14/2001	Bipul Binit Sinha	oracle01.016	7778

25247 7590 07/28/2005

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EXAMINER
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LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/881,505

Applicant(s)

SINHA ET AL.

Examiner

Etienne P LeRoux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### *Continued Examination*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/18/2005 has been entered.

### *Claims Status*

Claims 2-31 are pending. Claim 1 has been cancelled. Claims 2-31 are rejected as detailed below.

### *Specification*

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claims 3, 7, 9, 24, 28, 30 and 31 recite “the protocol is a two-phase commit protocol.” The specification does not contain a clear and concise written description of the process of using the two-phase protocol because the specification on page 17 lines 23-25 states, “When the coordinator has received a read-only message from a database system, the coordinator does not send the commit message to that database system.” Applicant discloses in the specification that the protocol is optimized by eliminating the second phase of the two-phase commit protocol. There is insufficient antecedent basis in the specification for the claimed two-phase protocol.

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-

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executable code. See MPEP § 608.01. Instant specification includes browser-executable code on, at least page 4, line 30 and page 17, line 10.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 4, 7-9, 24, 25 and 28-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites “wherein the protocol is a two-phase commit protocol.” Claim 11 recites “using the retained state to optimize the protocol.” Claim 3 depends from claim 11. The scope of the invention is unclear because the specification on page 17 lines 13-15 states “If a transaction does not affect a database’s state, there is no need to do the second phase of the two-phase commit protocol with regard to the data base whose state is not affected by the transaction.” Furthermore, page 17, lines 23-25 states “When the coordinator has received a read only message from a database system, the coordinator does not send the commit message to that database system.” The present invention is an optimized two-phase commit protocol which is not the conventional two-phase commit protocol and thus the scope of the invention is difficult to determine because applicant claims a two-phase commit protocol.

Claims 7, 9, 24, 28, 30 and 31 include similar language and are thus rejected on the same basis.

Claims 4, 8, 25 and 29 are rejected for being dependent from a rejected base claim.

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***Art Rejection Precluded***

Claims 3, 4, 7-9, 24, 25 and 28-31 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Due to the indefiniteness of the claim language, no art rejection of above claims is provided in this Office Action.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2, 5, 6, 10-23, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,335,343 issued to Lampson et al (hereafter Lampson).

**Claims 5, 10, 11, 22 and 26:**

Lampson discloses:

receiving an augmented one of the messages from the other component, the other component having augmented the message by adding protocol state information to the message, the protocol state information indicating a state of the other component that is relevant to the protocol [Fig 12, step 81, col 9, lines 58-65, subordinate sends a read vote]:

retaining the state of the other component indicated in the augmented message [col 10, lines 14-25, coordinator counts yes-votes and no-votes implies retaining];

using the retained state to optimize the protocol [Fig 13, col 10, lines 7-25, no second phase of the two phase protocol for read-only, no commit or abort message, col 10, lines 1-5].

**Claims 2, 6, 23 and 27:**

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Lampson discloses the protocol ensures that the results of the transaction are consistent in the components and in the step of receiving an augmented one of the messages, the protocol state information indicates whether the transaction will modify data in the other component [Fig 12, col 9, lines 58-68]

**Claim 12:**

Lampson discloses the data storage device contains code which, when executed by a processor performs the method of claim 11 [Fig 2, 16]

**Claim 13:**

Lampson discloses the data storage device contains code which, when executed by a processor, performs the method of claim 2 [Fig 2, 16]

**Claim 14:**

Lampson discloses the data storage device contains code which, when executed by a processor, performs the method of claim 3 [Fig 2, 16]

**Claim 15:**

Lampson discloses the data storage device contains code which, when executed by a processor, performs the method of claim 4 [Fig 2, 16]

**Claim 16:**

Lampson discloses the data storage device contains code which, when executed by a processor, performs the method of claim 5 [Fig 2, 16]

**Claim 17:**

Lampson discloses the data storage device contains code which, when executed by a processor, performs the method of claim 6 [Fig 2, 16].

**Claim 18:**

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Lampson discloses the data storage device contains code which, when executed by a processor, performs the method of claim 7 [Fig 2, 16].

**Claim 19:**

Lampson discloses the data storage device contains code which, when executed by a processor, performs the method of claim 8 [Fig 2, 16].

**Claim 20:**

Lampson discloses the data storage device contains code which, when executed by a processor, performs the method of claim 9 [Fig 2, 16].

**Claim 21:**

Lampson discloses the data storage device contains code which, when executed by a processor, performs the method of claim 10 [Fig 2, 16].

***Response to Arguments***

Applicant's arguments filed 5/18/2005 with respect to claims 2-31 have been carefully considered but are moot in view of above new grounds of rejection which are necessitated by the claim amendments.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday, 8:00am-4:30pm.

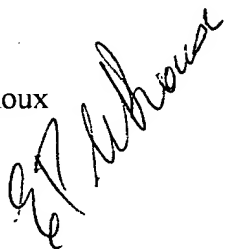
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

7/20/2005



**MOHAMMAD ALI  
PRIMARY EXAMINER**